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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,859	03/28/2002	Gregory J. Momber	SIEBE96517-US	5466
23626	7590	06/17/2005	EXAMINER	
LEYDIG VOIT & MAYER, LTD. (ROCKFORD OFFICE) TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STESTON AVENUE CHICAGO, IL 60601-6780			SQUIRES, BRETT S	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

an

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/913,859	Applicant(s) MOMBER, GREGORY J.	
	Examiner Brett S. Squires	Art Unit 2836	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 May 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 02 May 2005. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,3-13 and 15-25.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

1. In response to the applicant's argument that the term inverter has several definitions and the definition selected by the examiner is not the only way that this term is used in the art, the examiner accepts that multiple definitions of term inverter are used in the art.
2. In response to the applicant's argument that Pecore does not disclose the use of an inverter connected to the second wave rectifier, the examiner would like to point out that Pecore discloses the diodes used in the voltage rectifier circuits (figures 2-3 ref# 102, 108) are performing the function of rectification while the manner in which the diodes are connected to the AC voltage source performs the inversion function. In the applicant's invention the transistor alters the interconnection of the power supply circuit during the desired half cycle of a sine wave by turning on and creating a new discharge path. The transistor does not perform the function of inverting the voltage, it simply alters the diode configuration by creating a new discharge path and having a diode configuration that both rectifies and inverts voltage is clearly shown by Pecore (figures 2-3, column 6 lines 37-67, and column 7 lines 1-17).
3. The examiner is unclear which elements are being read on "a second wave rectifier" and an "inverter connected to the second wave rectifier." It appears that the second wave rectifier is made up of: diodes 21 and 23, and the inverter is made up of: resistors 12, 13, and 14, transistor 50, diodes 21 and 23, and capacitors 41 and 43 (the reference numbers used refer to the elements in figures 1-5a). The examiner would like to point out that the second wave rectifier must include all elements required to perform rectification and the inverter must include all elements required to perform the inversion, elements can not be double used on later recited separately. It appears to the examiner that the applicant's is double using diode 21 and 23. In order for proper examination a one to one correspondence of elements is required, and thus the applicant's either has an incomplete second wave rectifier or inverter.
4. Claims 13 and 15-22 are presented in a means and function form. According to 35 U.S.C. 112, 6th paragraph, "An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof". (emphasis added).
Rejection of Claims 13 and 15-22 in an instant Office Action is presented in accordance with the rule, i.e. by reciting the equivalent elements.
The "means or step plus function limitation should be interpreted in a manner consistent with the specification disclosure.
Following factor are supporting an equivalency conclusion:
A) The prior art element performs the identical function specified in the claim in substantially the same way, and produces substantially the same results as the corresponding element disclosed in specification. *Kemco Sales, Inc. v. Control Papers Co.*, 208 F.3d 1352, 54 USPQ2d 1308 (FED. Cir. 2000).
B) A person of ordinary skill in the art would have recognized the interchangeability of the element shown in the prior art for the corresponding element disclosed in the specification. *Caterpillar Inc. v. Deer & Co.*, 224 F.3d 1374, 56 USPQ2d 1305 (FED. Cir. 2000).
C) There are insubstantial differences between the prior art element and the corresponding element disclosed in the specification. *IMS Technology, Inc. v. Haas Automation, Inc.*, 206 F.3d 1422, 1436, 54 USPQ2d 1129, 1138 (Fed. Cir. 2000).
5. In response to the applicant's assertion that Pecore does not include any such inverting of the DC output such as that described in claims 23-25, the examiner would like to point the applicant to the above stated paragraph 2 and Pecore figures 2-3, column 6 lines 37-67, and column 7 lines 1-17, where it is clearly shown that Pecore both inverts and rectifies the voltage supply by the AC voltage source.
6. In response to the applicant's assertion that Pecore does not disclose phase shifting by 180 degrees, the examiner would first like to point the applicant to page 9 of applicant's own arguments where the applicant states "phase shifting by 180 degrees effectively inverts the polarity of the AC signal," the examiner would then like to point the applicant to the above stated paragraph 2 and Pecore figures 2-3, column 6 lines 37-67, and column 7 lines 1-17 where it is clearly shown that Pecore both inverts and rectifies the voltage supplied by the AC voltage source.
7. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is knowledge generally available to one of ordinary skill in the art to supply a microprocessor with voltage levels that correspond to the logic levels of the signals being sent to the microprocessor.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brett S. Squires whose telephone number is (571)272- 2268. The examiner can normally be reached on 9am-5:30pm.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)272-2058. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brett S Squires
Examiner
Art Unit 2836